

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TRANS-SPEC TRUCK SERVICE, INC.
d/b/a TRUCK SERVICE,

Plaintiff

vs.

CATERPILLAR INC.

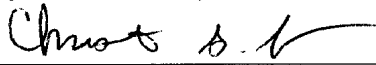
Defendant

CIVIL ACTION NO. 04-11836-RCL

**UNOPPOSED MOTION TO ENLARGE THE TIME FOR OPPOSING
CATERPILLAR INC.'S MOTION FOR SUMMARY JUDGMENT**

The plaintiff, Trans-Spec Truck Service, Inc. d/b/a Truck Service ("Trans-Spec"), hereby moves pursuant to Local Rule 7.1(B)(2) for an order enlarging to April 18, 2006 the time in which it has to file an Opposition to *Caterpillar Inc.'s Motion for Summary Judgment on All Remaining Claims*. Caterpillar Inc. does not oppose this Motion, see Exhibit A.

Plaintiff,
TRANS-SPEC TRUCK SERVICE INC.,
D/B/A TRUCK SERVICE
By their attorneys



Nancy M. Reimer, Esq., BBO#555373
Christian G. Samito, Esq., BBO#639825
Donovan Hatem, LLP
Two Seaport Lane
Boston, MA 02210
(617) 406-4500

Date: March 29, 2006

LOCAL RULE 7.1 CERTIFICATE OF CONSULTATION

I, Christian G. Samito, hereby certify that I have conferred with defendant's Counsel in good faith to resolve or narrow the issues presented in this Motion. Defendant's counsel does not oppose this Motion, see Exhibit A.



Christian G. Samito

REQUEST FOR ORAL ARGUMENT

If the Court deems it necessary, Trans-Spec requests oral argument on this Motion.

CERTIFICATE OF SERVICE

I, Christian G. Samito, hereby certify that I have this day, March 29, 2006, served a copy of the foregoing pleading electronically and by sending a copy by first class mail, postage prepaid, to:

John A. K. Grunert, Esq.
Campbell Campbell Edwards & Conroy
One Constitution Plaza, 3rd Floor
Boston, MA 02129



Christian G. Samito

00990141

Christian Samito

From: Grunert, John A.K. [jgrunert@Campbell-trial-lawyers.com]
Sent: Wednesday, March 29, 2006 9:33 AM
To: Christian Samito
Subject: RE: Trans-Spec v. Caterpillar

You should think of these kinds of things when your opponent asks for a reasonable accommodation.

You may state that Caterpillar does not oppose your motion.

From: Christian Samito [mailto:csamito@donovanhatem.com]
Sent: Wednesday, March 29, 2006 9:28 AM
To: Grunert, John A.K.
Subject: RE: Trans-Spec v. Caterpillar

Nancy and I have had other pressing demands in addition to those imposed by this case. She has had to travel to NYC quite a bit in the last two weeks in addition to other depositions and court appearances. I had a time-intensive emergency in one case, depositions, and have had to attend several day long, court-ordered meetings with an opposing counsel in another matter (for instance, I have a court-ordered meeting today that will run from 10-6 straight). As far as the date chosen, normally I would simply ask for a straight two week extension but Nancy and I have Passover and Easter obligations respectively; hence, April 18.

Please let me know if you assent to the motion I attached so that I can e-file it today.

Chris

From: Grunert, John A.K. [mailto:jgrunert@Campbell-trial-lawyers.com]
Sent: Wednesday, March 29, 2006 9:12 AM
To: Christian Samito
Subject: RE: Trans-Spec v. Caterpillar

Notwithstanding your conduct with respect to Rich Bowes's errata sheet, I am inclined to agree to this request but before doing so would like to know what it is that has prevented you from preparing a response to so simple and foreseeable a motion within the time allowed by the rule?

From: Christian Samito [mailto:csamito@donovanhatem.com]
Sent: Tuesday, March 28, 2006 1:47 PM
To: Grunert, John A.K.
Subject: Trans-Spec v. Caterpillar

John:

Would you assent to the attached motion? It requests an extension of time in which Trans-Spec may file its opposition to the pending motion for summary judgment. I would normally request two weeks but that would put the due date in the middle of Passover and Good Friday - thus, the date of April 18, which is right after Easter and Easter Monday.

Chris Samito

